

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

<p>In Re:</p> <p>FREDERICK W. REPETSKY KIMBERLY L. REPETSKY AKA KIMBERLY L. SCHMIDT</p> <p>Debtor(s)</p> <p>SERVIS ONE, INC. DBA BSI FINANCIAL SERVICES</p> <p>Movant</p> <p>v.</p> <p>FREDERICK W. REPETSKY KIMBERLY L. REPETSKY AKA KIMBERLY L. SCHMIDT</p> <p>Debtor(s)</p> <p>SCOTT F. WATERMAN</p> <p>Trustee</p> <p>Respondent(s)</p>	<p>Chapter 13</p> <p>Case Number: 21-13289-amc</p>
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**MOTION FOR RELIEF FROM AUTOMATIC STAY WITH RESPECT TO PROPERTY: 8128  
RIDGE AVE, PHILADELPHIA, PA 19128**

SERVIS ONE, INC. DBA BSI FINANCIAL SERVICES, through its Counsel, Stern & Eisenberg PC, respectfully requests the Court grant its Motion for Relief and in support thereof respectfully represents as follows:

1. Movant is SERVIS ONE, INC. DBA BSI FINANCIAL SERVICES (hereafter referred to as “Movant”).
2. Debtor(s), Frederick W. Repetsky and Kimberly L. Repetsky (hereinafter, “Debtor(s)”), is/are, upon information and belief, adult individual(s) whose last-known address is 8128 Ridge Ave, Philadelphia, PA 19128.
3. On September 8, 2017, Frederick W. Repetsky and Kimberly Repetsky, executed and delivered a Note in the principal sum of \$270,019.00 to GSF Mortgage Corporation. A copy of the Note is attached as Exhibit “A” and is hereby incorporated by reference.
4. As security for the repayment of the Note, Frederick W. Repetsky and Kimberly Repetsky,

executed and delivered a Mortgage to Mortgage Electronic Registration Systems, Inc. ("MERS"), as Mortgagee, as Nominee for GSF Mortgage Corporation. The Mortgage was duly recorded in the Office of the Recorder of Deeds in and for Philadelphia County on September 14, 2017 as Instrument 53265799. A copy of the Mortgage is attached as Exhibit "B" and is hereby incorporated by reference.

5. The Mortgage encumbers Debtor's real property located at 8128 Ridge Ave, Philadelphia, PA 19128.
6. By assignment of mortgage, the loan was ultimately assigned to SERVIS ONE, INC. DBA BSI FINANCIAL SERVICES. A true and correct copy of the assignment is attached as Exhibit "C" and is hereby incorporated by reference.
7. Debtor(s) filed the instant Chapter 13 Bankruptcy on December 14, 2021 and, as a result, any state court proceedings were stayed.
8. It is believed and therefore averred that Debtor(s) filed the instant bankruptcy as an additional delay in order to prevent Movant from proceeding with the state court proceedings or otherwise institute proceedings as allowed under the Mortgage.
9. Debtor's mortgage loan is in default and is currently due for the October 1, 2023 payment and each subsequent payment through the date of the motion. Debtor(s) has/have failed to make the following post-petition payments to Movant:

**POST-PETITION PAYMENTS IN DEFAULT**

Monthly Payments in Default:	10/01/2023 to 12/01/2023
Monthly payments (\$2,072.94 x 3):	\$6,218.82
Suspense Balance:	(\$322.29)
Total Amounts Due as of December 28, 2023:	\$5,896.53

10. In addition, Movant has incurred counsel fees and costs in association with Debtor's default and this motion.
11. As a result of the Debtor's default and failure to make payments or to otherwise adequately provide for Movant in the bankruptcy filing, Movant is not adequately protected and is entitled to relief.
12. Further, the Debtor's Schedule D indicates a valuation of the property in the amount of \$284,704.00, with Movant's first lien against the property in the amount of \$283,145.33. Accordingly, there is no equity in the Property and the property is not necessary for an effective reorganization. A copy of the Debtor's Schedule D is attached as Exhibit "D" and incorporated herein by reference.
13. To the extent the Court does not find that relief is appropriate, then Movant requests that the stay be conditioned such that in the event the Debtor(s) fall(s) behind on post-petition payments

or trustee payments that Movant may receive relief upon default by the Debtor(s) of the terms of the conditional order.

14. Movant requests that the stay of Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant, SERVIS ONE, INC. DBA BSI FINANCIAL SERVICES, respectfully requests this Court to grant the appropriate relief under 11 U.S.C. §362 from the automatic stay as set forth in the proposed order together with waiver of Bankruptcy Rule 4001(a)(3).

Respectfully Submitted:

Stern & Eisenberg, PC

By: /s/ Daniel P. Jones

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